

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TRUSTAR FUNDING, et al.,)	CASE NO. 1:09cv1747
)	
Plaintiffs,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	<u>O R D E R</u>
DARIUSZ MRUCZYNSKI, et al.,)	
)	
Defendants.)	
)	

This matter is before the Court on the Report and Recommendation (Doc.# 62) of Magistrate Judge Kenneth S. McHargh regarding Defendant RP Family, Inc.'s Motion to Dismiss for Improper Venue, or in the Alternative, Motion to Transfer Venue, (Doc.# 52); Defendant Pacific Title, Inc's Motion to Dismiss Third Amended Complaint, (Doc. #54); and Defendant Pacific Title, Inc.'s Motion to Strike Reply Brief of Plaintiffs Opposing Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint. (Doc. #61).

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen (14) days after service, but the parties have failed to timely file any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge McHargh's Report and Recommendation is ADOPTED and Defendants' motion to strike Plaintiffs' Reply Brief (Doc. # 61) is DENIED, because a brief may not be targeted in a motion to strike. Also, Plaintiffs' Reply Brief (Doc. #60) is a legally relevant clarification of their position, and not redundant, immaterial, impertinent, or scandalous. Defendants' Motion to Dismiss (Doc. #54) is GRANTED IN PART. Plaintiff Trustar has suffered no damage. It is therefore not a true party in interest and should be dismissed. Defendants' Motion to Transfer (Doc. #52) is GRANTED, and the remaining action is transferred to the Eastern District of New York, pursuant to 28 U.S.C. §1404.

IT IS SO ORDERED.

Dated: 4/16/2010

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

April 16, 2010